

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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Th21a

June 19, 2003

TO: Commissioners and Interested Persons

FROM: Charles Lester, Deputy Director
Diane Landry, District Manager
Susan Craig, Coastal Planner

SUBJECT: **CITY OF SANTA CRUZ: LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 1-03 (Part B).** For public hearing and Commission action at its meeting of July 2003 in Petaluma.

SYNOPSIS

The City of Santa Cruz (see Exhibit 1) is proposing to amend the Local Coastal Program Implementation Plan (Zoning Ordinance) as follows:

1. Establish regulations for the new A-99 FEMA flood zone designation.
2. Reduce the required minimum distance between buildings on the same lot from 10 feet to 6 feet for accessory buildings in the following zoning districts: R-S (Residential Suburban), R-1 (Single-Family Residence), RL (Multiple Residence – Low Density), and RM (Multiple Residence – Medium Density).

This amendment constitutes the majority of a larger amendment submittal. The Planning Commission and the City Council held noticed public hearings regarding the amendment components. The Commission has already approved part A of this amendment submittal, regarding re-designation and rezoning of four Depot Site parcels, at the May 2003 hearing.

SUMMARY OF STAFF RECOMMENDATION

Staff has reviewed the proposed amendments to the Zoning Ordinance for consistency with the certified Land Use Plan. As discussed in detail below, Staff recommends **approval** of LCP Major Amendment No. 1-03 (Part B) as submitted.

ANALYSIS CRITERIA

The relationship between the Coastal Act and a local government's Local Coastal Program (LCP) can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of the LCP incorporates and refines Coastal Act policies for the local jurisdiction, giving local guidance as to the kinds, locations, and intensities of coastal development. The Implementation Plan (IP), or zoning portion of an LCP typically sets forth zone districts and site regulations



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which are the final refinement specifying how coastal development is to proceed on a particular parcel. The IP must be consistent with, and adequate to carry out, the policies of the LUP. The LUP must be consistent with the Coastal Act.

In this case, the proposed LCP amendment affects only the IP component of the City of Santa Cruz LCP. Thus the standard of review for the amendment is consistency with the policies of the LUP.

ADDITIONAL INFORMATION

Further information on the submittal may be obtained from Susan Craig at the Central Coast District Office of the Coastal Commission at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.

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I. STAFF RECOMMENDATION: MOTIONS AND RESOLUTIONS

Staff recommends adoption of the following resolutions:

Resolution I. (Resolution to approve City of Santa Cruz Implementation Plan Major Amendment No. 1-03 (Part B) as submitted)

Staff recommends a **NO** vote on the motion below. Failure of this motion will result in certification of the Implementation Plan amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

***Motion.** I move that the Commission **reject** Major Amendment #1-03(Part B) to the City of Santa Cruz Local Coastal Program Implementation Plan as submitted.*

***Resolution to Certify the Implementation Plan Amendment as Submitted:** The Commission hereby **certifies** Major Amendment #1-03 (Part B) to the Implementation Plan of the City of Santa Cruz Local Coastal Program, as submitted, and adopts the findings set forth below on grounds that the Implementation Plan conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment will meet the requirements of the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any*



significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment as submitted.

II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. FEMA A-99 Designation

The following City of Santa Cruz LCP Policies provide for river flood protection:

Safety Policy 3.3: *Provide for 100-year flood protection in the San Lorenzo River levee system to allow for the removal of the river and adjacent areas from FEMA flood plain and flood way designation.*

San Lorenzo River Enhancement & Design Plan Safety Policy 5.1.2: *Construct a low flood wall for protection at the top of the levees.*

San Lorenzo River Enhancement & Design Plan Safety Policy 5.1.2.1: *Create a continuous flood wall to provide 3 feet of freeboard above the 100-year flood [level].*

The City of Santa Cruz proposes to amend the certified Zoning Ordinance to add standards for the newly designated A-99 flood hazard area (see Exhibit 2 for A-99 flood hazard area and Exhibit 3 for full text of the amendment). Since 1985, the Federal Emergency Management Agency (FEMA) has designated the Downtown and Beach areas of the City of Santa Cruz as an A-11 flood hazard area, meaning that these areas were not adequately protected from a 100-year flood of the San Lorenzo River. Properties within an A-11 flood zone are subject to special construction and insurance requirements. In recent years, the City has worked with the U.S. Army Corps of Engineers to upgrade and improve the flood control capacity of the San Lorenzo River levees to provide additional flood protection for these areas of the City.

Since completion of the San Lorenzo River Flood Control and Environmental Restoration Project to improve the flood protection offered by the existing river levees (consistent with the safety policies of the LCP), FEMA has re-designated the A-11 flood hazard area as an A-99 flood hazard area. A-99 flood hazard areas are also subject to inundation by the 100-year flood event, but are ultimately protected by completion of a Federal flood protection system. Mandatory flood insurance purchase requirements apply, but the rates for property owners are much reduced over those required in the A-11 zone. The A-99 flood hazard area also has reduced construction requirements compared to the A-11 flood hazard area. Thus, the amendment provides for less stringent construction standards for property owners in an A-99 flood hazard area, compared to those required in the A-11 flood hazard area. Given the recent completion of the improved levee system, consistent with LCP Safety policy 3.3, the proposed amendment provides appropriate development standards for properties within the A-99 flood hazard area. Staff recommends approval of the amendment as submitted.

B. Distance Between Buildings

The following City of Santa Cruz LCP policies address nonconforming development and infill development within the City:

Land Use Policy 2.4.2: *Evaluate provisions dealing with “nonconforming” regulations to achieve the*



flexibility necessary to deal with future uses of existing buildings and evaluate the feasibility of providing incentives to encourage the desired type of development.

Community Design Policy 1.1: *Infill and intensify land uses consistent with existing neighborhood or commercial district patterns in developed areas currently served by municipal services.*

Community Design Policy 1.1.2: *Develop design criteria to ensure compatibility of infill development with existing neighborhoods and proposed development patterns (including intensities and land uses).*

The City of Santa Cruz proposes to amend the certified Zoning Ordinance to reduce the minimum distance between buildings (on the same lot) requirement for accessory buildings in the R-S (Residential Suburban), R-1 (Single-Family Residence), RL (Multiple Residence – Low Density), and RM (Multiple Residence – Medium Density) zoning districts. Currently the minimum distance between buildings on the same lot in these zones is ten feet, or one foot of setback for each two feet of height of a structure, whichever is greater. The amendment would provide for a minimum distance of six feet between main buildings and accessory buildings (such as detached garages or sheds), and six feet between accessory buildings. The current minimum distance between main buildings on the same lot (such as between a house and an accessory dwelling unit) would remain at 10 feet. Please see Exhibit 4 for the full text of the amendment.

The rationale for limiting the reduction in the minimum distance between buildings to residential accessory buildings is that all accessory buildings in the primary residential zoning districts are limited to one story in height. As such, the siting of one-story buildings closer to the main building should not result in excessive roof mass on a particular site. All two-story buildings and all dwelling units on the same lot will continue to be a minimum of 10 feet apart. This will assist in breaking up roof mass while providing an adequate amount of privacy between each detached dwelling unit. Also, in the case of residential dwelling units and accessory buildings, the current minimum distance between buildings requirement in the Zoning Ordinance is more restrictive than the 6-foot minimum distance requirement of the Uniform Building Code.

The proposed ordinance amendment would reduce a significant number of nonconforming situations relating to the placement of residential accessory structures in proximity to main buildings. Many accessory buildings were constructed prior to the adoption of building codes and/or zoning codes. Therefore, many are now nonconforming with respect to the current 10-foot distance requirement between buildings. As a result, it is very difficult to undertake certain redevelopment activities, such as rebuilding of detached garages. Reducing the minimum distance between accessory buildings and main buildings to 6 feet will result in many of these buildings becoming conforming structures with respect to the required distance between buildings. This will allow residents to remodel, replace, or generally upgrade their properties. The required distance between buildings in non-residential zones will remain unchanged.

The proposed amendment is consistent with Land Use policy 2.4.2 regarding nonconforming structures and with Community Design policies 1.1 and 1.1.2 regarding infill development within existing neighborhoods. Staff recommends approval of the amendment as submitted.

III. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Coastal Commission's review and development process for Local Coastal Programs and amendments



to them has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does utilize any environmental information that the local government has developed. Approval of the amendment, as submitted, will not have significant environmental effects, consistent with the California Environmental Quality Act.

